

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

## United States District Court

for the

DISTRICT OF HAWAII

AUG 14 2006

at 10 o'clock and 05 min. A.M.  
SUE BEITIA, CLERK**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: TERI KAHOOHULI

Case Number: CR 00-00113SOM-01

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway  
U.S. District Judge

Date of Original Sentence: 7/2/2001

Original Offense: Counts 1 and 2: Possession With Intent to Distribute and  
Distribute Methamphetamine, in violation of 21 U.S.C. § 841(a)(1),  
Class C felonies.

Original Sentence: Five (5) years probation with the following special conditions:

- 1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office;
- 2) That the defendant serve 6 months of home detention with electronic monitoring as arranged by the Probation Office. During this time, the defendant shall remain at her place of residence during non-working hours and shall not leave her residence without the prior approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office. The defendant also will be responsible for the payment of the electronic monitoring costs as directed by the Probation Office;
- 3) That the defendant shall provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office;
- 4) Without the prior approval of the Probation Office, the defendant shall not enter the "Operation Weed and Seed" target area which is bordered by Lunalilo Freeway, Nuuanu Avenue, Bethel Street, Nimitz Highway, North King Street, Dillingham Boulevard, and Kokea Street, as depicted in the map to be attached to this judgment. Without the prior approval of the Probation Office, the defendant shall also not enter the area bordered by Waiakamilo Street, King Street, Dillingham Boulevard, and Kalihi Street, as

depicted in the map attached to this judgment; and 5) A fine of \$1,500.00 is due immediately and any remaining balance shall be paid during the period of probation on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of her monthly gross income.

Probation  
Revoked:

On 8/9/2004, the Court revoked probation after the subject had absconded from supervision. The subject was sentenced to Time Served followed by thirty-six (36) months of supervised release. The following special conditions were imposed: 1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) That the defendant shall submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition; 3) Without the prior approval of the Probation Office, the defendant shall not enter the "Operation Weed and Seed" target area which is bordered by Lunalilo Freeway, Nuuanu Avenue, Bethel Street, Nimitz Highway, North King Street, Dillingham Boulevard, and Kokea Street, as depicted in the map to be attached to the Judgment. Without the prior approval of the Probation Office, the defendant shall also not enter the area bordered by Waiakamilo Street, King Street, Dillingham Boulevard, and Kalihi Street, as depicted in the map attached to this Judgment; and 4) That the defendant shall participate in a Community Corrections Center (CCC) for a period not to exceed 180 days. While at the CCC, the defendant shall participate in all programs and shall be employed. The defendant may be released from the CCC at the discretion and direction of the Probation Office.

Supervision  
Modified:

On 8/4/2005, the Court modified supervised release due to the subject's untruthfulness and association with a known felon. As a result, the following special condition was imposed: 5) That the defendant serve up to 4 months of home detention with voice identification monitoring as arranged by the Probation Office. During this time, the defendant shall remain at her place of residence during non-working hours and shall not leave her residence without the approval of the Probation Office. The defendant shall follow voice identification monitoring procedures pursuant to the Participant's Agreement and shall earn leave as

determined by the Probation Office. The defendant also will be responsible for the payment of the voice identification monitoring costs as directed by the Probation Office.

Type of Supervision: Supervised Release      Date Supervision Commenced: 8/9/2004

### PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

*General Condition That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision unless there is a positive drug test, in which event, the maximum shall increase to up to one valid drug test per day (mandatory condition).*

### CAUSE

On 8/4/2005, the Court modified the subject's supervised release due to her association with a known felon and repeated acts of untruthfulness. Since that time, the subject has been compliant and posed no management problems. Furthermore, she successfully completed outpatient substance abuse treatment and drug testing. However, in light of United States v. Stephens, we respectfully recommend that the Court modify the subject's supervised release to allow continued random drug testing consistent with the ruling.

This modification is warranted when considering the subject's extensive substance abuse history. The revised condition will assist our office in monitoring the subject's future compliance for the duration of supervised release.


Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives her right to a hearing and to assistance of counsel. The subject agrees to the modification of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Approved by:




TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 8/7/2006

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other

  
\_\_\_\_\_  
SUSAN OKI MOLLWAY  
U.S. District Judge  
  
8-9-06  
\_\_\_\_\_  
Date

PROB 49  
(5/96)

## United States District Court

### District of Hawaii

#### **Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision**


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ [ X ] To modify the conditions of supervision as follows:

*That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision unless there is a positive drug test, in which event, the maximum shall increase to up to one valid drug test per day (mandatory condition).*

Witness:

  
JONATHAN K. SKEDELESKI  
U.S. Probation Officer

Signed:

  
TERI L. KAHOOKULI  
Supervised Releasee

7/28/06  
Date